

REMARKS

Claims 1-10, 12-21, 23, 30-31, and 38-39 have been canceled. Claims 11, 22, 25, 27-29, and 36-37 have been amended to clarify the subject matter regarded as the invention. New Claims 44-46 have been added. Claims 11, 22, 24-29, 32-37, and 40-46 are pending.

Claim Rejections – 35 U.S.C. §102(e)

The Examiner has rejected Claims 11, 22, 24-29, 32-37, and 40-43 under 35 U.S.C. §102(e) as being anticipated by Woolston (U.S. Pat. No. 5,845,265). The rejections are respectfully traversed.

As amended, independent Claims 22, 28, and 36 recite receiving, from a user, a specification of a first market phase and a specification of a succeeding market phase, both of which are defined “by one or more user selectable trading primitives that dictate the behavior of one or more components in a programmable auction server.” A market protocol comprising the received specifications is used to manage the trading of at least one good.

Woolston does not disclose the receipt or use of a multi-phase protocol such as is recited in independent Claims 22, 28, and 36, and those independent claims are therefore believed to be allowable. Claims 11, 24-27, 29, 32-35, 37, and 40-46 depend, either directly or indirectly from one of the aforementioned claims and therefore also believed to be allowable.

New Claims

New Claims 44-46 recite limitations previously presented (e.g., in Claim 25) and depend from Claim 24 and are therefore believed to be allowable for the reasons described above.

The foregoing amendments are not to be taken as an admission of unpatentability of any of the claims prior to the amendments.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

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/Robyn Wagner/
Robyn Wagner
Registration No. 50,575
V 408-973-2596
F 408-973-2595

VAN PELT, YI & JAMES LLP
10050 N. Foothill Blvd., Suite 200
Cupertino, CA 95014